

VARGAS
DEFENDANT'S
PRETRIAL MEMO

EXHIBIT
E

TO THE JURY:

Based on the preponderance of the evidence, answer the following Special Verdict Questions which have been propounded to you. Please read all instructions carefully before proceeding to the next identified question.

Question No. 1

Do you find that the conduct of either of the following doctors fell below the applicable standard of medical care? In other words, were either of the following doctors negligent?

Dr. Charles Dye	_____	Yes
	_____	No

Dr. Daniel Lotner	_____	Yes
	_____	No

INSTRUCTIONS:

- (a) If you have answered “No” as to both of the physicians above, the Plaintiff cannot recover and you should not answer any further questions and should return to the Courtroom
- (b) If you have answered “Yes” as to either physician above, proceed to Question No. 2 below.

Question No. 2

If you answered “yes” to either physician in Question No. 1, was the negligence of that physician you have found to be negligent a factual cause of harm to Justino Vargas?

Dr. Charles Dye	_____	Yes
<i>(Answer only if you answered</i>	_____	No
<i>“Yes” to Question No. 1)</i>		

Dr. Daniel Lotner	_____	Yes
<i>(Answer only if you answered</i>	_____	No
<i>“Yes” to Question No. 1)</i>		

INSTRUCTIONS:

- (a) If you answered “No” to Question No. 2 as both physicians, the Plaintiff cannot recover. You should not answer any further questions and should return to the Courtroom.
- (b) If you answered “Yes” to Question No. 2 as to either of the physicians, proceed to Question No. 3.

Question No. 3

If you answered “yes” to Question No. 1 and Question No. 2, please state the total amount of compensatory damages, if any, sustained by Plaintiff Joanna Vargas, if you find that there are no damages, state as such:

Wrongful Death Act

Past medical expenses \$ _____

Death-related expenses \$ _____

Past and future noneconomic damages \$ _____
(such as loss of the decedent’s services, society and comfort)

Survival Act

Past noneconomic damages \$ _____
(such as decedent’s pain and suffering, embarrassment, loss of ability to enjoy the pleasures of life, and disfigurement)

INSTRUCTIONS:

Please return to the Courtroom after the foreperson has signed below.

DATE

JURY FOREPERSON